
HOUSE BILL No. 1192

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-9-2.

Synopsis: Railroad train crews. Requires at least two employees to operate a train that: (1) is carrying hazardous material; (2) is operated over a public crossing; or (3) is operated on or adjacent to a track where a passenger train is operating. Provides penalties for violations.

Effective: July 1, 2001.

Kromkowski

January 9, 2001, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1192

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-9-2-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2001]: Sec. 1. When used in this chapter and
3 for the purpose of this chapter:

4 (a) The term "carrier" means a common carrier by railroad, and any
5 receiver or any other individual or body, judicial or otherwise, when in
6 possession of the business of a carrier or carriers covered by this
7 chapter, excluding street, suburban and interurban electric railways,
8 unless operated as a part of a general railroad system of transportation,
9 and excluding common carriers by railroad whose main line track is
10 twenty-five (25) miles or less in length.

11 (b) The term "locomotive" means any self-propelled unit operated
12 by any form of energy or power, whether produced thereon or furnished
13 from any outside source, and adapted for use in moving cars upon rails
14 or for the transportation of passengers and/or freight or property, except
15 locomotive cranes, pile-drivers, weed-burners, and other self-propelled
16 engines or machines not used for the transportation of passengers
17 and/or freight or property for hire.

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(c) The term "light engine" means any locomotive operated without cars and not transporting passengers, freight or property.

(d) The term "passenger train" means any self-propelled unit while transporting passengers or any locomotive with one (1) or more cars constructed for the purpose of transporting passengers, baggage, mail, express or combination of either or any.

(e) The term "freight train" means any train composed of one (1) or more locomotives with one (1) or more cars or other vehicles constructed for the purpose of transporting freight or other property not specifically referred to in the above definition of a passenger train.

(f) The term "engineer" means a person who operates a locomotive and performs related work.

(g) The term "fireman" means a person who fires a locomotive and/or assists an engineer in the performance of his duties as such.

(h) The term "conductor" means a person having charge of the operation of a train en route, at stations and between stations, and who performs related work.

(i) The term "flagman" means a person whose duties are to furnish flag protection to the train to which he is assigned as prescribed by the rules of the carrier.

(j) The term "brakeman" means a person who assists a conductor in the operation and protection of a train, and who performs related work.

(k) The term "yard conductor" or "foreman" means a person whose duties are to supervise and assist in the work of switching and yard work train service, including supervision of the breaking up and the making up of trains, and to perform related work.

(l) The term "yard brakeman" or "helper" means a person whose duties are to couple, uncouple, and ride cars in connection with the breaking up and making up of trains; to handle switches; and to perform related work in connection with yard switching service.

(m) The term "main track" means any continuous track over which trains operate through and between stations.

(n) The term "competent employee" means **the following:**

(1) One who is able to read and understand the time tables of the carrier by whom he is employed, and to read ordinary hand writing in the English language, and who is able to speak, hear and understand the English language, and to see, distinguish and understand the signals required by the book of rules of the carrier governing the operation of the locomotives and trains of such carrier. When defective sight can be remedied by the use of glasses or other means, such defective sight shall not thereby render an employee incompetent under this chapter.

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(2) As applied to an engineer, one who, in addition to being possessed of the qualifications prescribed in clause (1) of this subdivision, shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing the position of an engineer.

(3) As applied to a conductor, one who, in addition to being possessed of the qualifications prescribed in clause (1) of this subdivision, shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing conductors.

(4) As applied to a flagman, one who, in addition to being possessed of the qualifications prescribed in clause (1) of this subdivision, shall have had at least six (6) month's experience in train service and shall have passed the regular examination prescribed by the carrier concerning the rules and regulations governing brakemen.

(5) As applied to a fireman, a brakeman, or a yard brakeman or helper, one who, in addition to being possessed of the qualifications prescribed in clause (1) of this subdivision, shall have passed the regular examination prescribed by the carrier concerning the rules and regulations governing firemen, brakemen, or yard brakemen or helpers.

(6) As applied to a yard conductor or foreman, one who, in addition to being possessed of the qualifications prescribed in clause (1) of this subdivision, shall have passed a regular examination prescribed by the carrier concerning rules and regulations governing yard conductors or foremen.

(o) The term "qualified railroad employee" means a person who has successfully completed a railroad carrier's training program and passed an examination on railroad operation rules.

SECTION 2. IC 8-9-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.5. (a) It is unlawful for a carrier to operate or permit to be operated a freight train that is:**

- (1) hauling hazardous material;**
- (2) operated over a public crossing; or**
- (3) operated on or adjacent to a track where a passenger train is operating;**

with a crew that consists of less than one (1) locomotive engineer, who must be located on the controlling locomotive, and one (1) qualified railroad employee, who must be located at a work station on the freight train. The qualified railroad employee may dismount

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1 the freight train when necessary to perform switching activities
2 and other duties in the course of the employee's job.

3 (b) The following are exempt from this section:

4 (1) A locomotive plus any number of freight railroad cars
5 operating in a repair and servicing facility within a terminal.

6 (2) A freight train assigned to perform switching duties that
7 are not a part of the general railroad system.

8 (c) A carrier operating in Indiana who willfully violates this
9 section is liable to the state for one (1) of the following penalties:

10 (1) For the first violation, a penalty of not less than one
11 hundred dollars (\$100) and not more than five hundred
12 dollars (\$500).

13 (2) For a second violation that occurs not later than three (3)
14 years after the first violation, a penalty of not less than five
15 hundred dollars (\$500) and not more than one thousand
16 dollars (\$1,000).

17 (3) For a third violation that occurs not later than three (3)
18 years after the first violation, a penalty of not less than one
19 thousand dollars (\$1,000) and not more than five thousand
20 dollars (\$5,000).

21 (4) For a fourth violation that occurs not later than three (3)
22 years after the first violation, a penalty of not less than five
23 thousand dollars (\$5,000) and not more than ten thousand
24 dollars (\$10,000).

25 A penalty under this section shall be recovered through a legal
26 action brought by the attorney general, or under the direction of
27 the attorney general, in the name of the state of Indiana on relation
28 of the Indiana department of transportation in the circuit or
29 superior court of a county through which the railroad is run or
30 operated.

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